

Official Form 417A (12/18)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**GEORGE DALE WIGINGTON**  
*dba WYLIE INDUSTRIES*  
*dba WYLIE INVESTMENT GROUP,*  
*Debtor*

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§

**CASE NO. 18-42230**  
**CHAPTER 13**

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**GEORGE DALE WIGINGTON**  
*Plaintiff*

§  
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§  
§

**v.**

**ADVERSARY NO. 19-04074**

**NATIONSTAR MORTGAGE LLC**  
**DBA MR. COOPER and SELECT**  
**PORTFOLIO SERVICING, INC**  
*Defendants*

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): George Dale Wigington
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

- For appeals in an adversary proceeding. For appeals in a bankruptcy case and not in an adversary proceeding.
- ☒ Plaintiff ☐ Debtor  
☐ Defendant ☐ Creditor  
☐ Other (describe) \_\_\_\_\_ ☐ Trustee  
☐ Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from:
  - a. Memorandum Opinion, entered on 08/10/2020, DOC 65;
  - b. Amended Judgment, entered on 09/14/2020, DOC 75;
  - c. Order on Mr. Cooper's Motion for Partial Dismissal Under Rule 12(B)(6); And Mr. Cooper's Motion for More Definite Statement; And SPS' Motion to Dismiss All Causes of Action Under Rule 12(B)(6) [Docket Nos. 79, 80 & 81], entered on 12/11/2020, DOC 91;
  - d. Order Regarding SPS's Motion to Dismiss [SIC], entered on 04/05/2021, DOC 131;
  - e. Order Dismissing Adversary Proceeding, entered 05/27/2021, DOC 136;
  - f. Order Denying Motion to Reconsider, entered on 08/20/2021, DOC 142; and
  - g. Final Judgment, yet to be entered.
2. State the date on which the judgment, order, or decree was entered:
  - a. Date of Interlocutory Orders to be appealed are identified in Section 1 above.
  - b. Date of Final Judgment to be determined.

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Select Portfolio Servicing, Inc.  
Attorney: Yoshie Valadez  
McCarthy & Holthus, LLP  
1255 W. 15th Street, Suite 1060  
Plano, Texas 75075  
Phone: (214) 291-3800  
Email: yvaladez@McCarthyHolthus.com

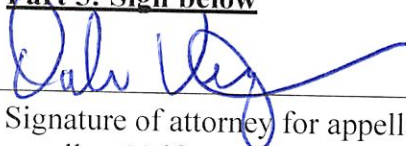
2. Party: Nationstar Mortgage LLC dba Mr. Cooper  
Attorney: Matthew Durham  
McGuire Woods LLP  
2000 McKinney Ave, Suite 1400  
Dallas, TX 75201  
Phone: (214) 932-6400  
Email: mdurham@mcguirewoods.com

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

N/A ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**



Signature of attorney for appellant(s) (or  
appellant(s) if not represented by an attorney)

Date: September 3, 2021

George Dale Wigington  
State Bar No.: 24091665  
2451 Elm Grove Road  
Wylie, TX 75098  
Phone: (469) 235-1482  
Email: dalewig10@verizon.net

**Fee waiver notice:** If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**[Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]